

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD C. FRYER, et al.,

Plaintiff,

v.

BERNIE BROWN et al.,

Defendant.

Case No. C04-5481 FDB

ORDER DENYING PLAINTIFF'S
MOTION TO EXEMPT THIS CASE
FROM LOCAL RULE 39.1

This matter is before the Court on the motion of Plaintiff to exempt this case from local rule 39.1. Plaintiff contends that there are no genuine issues of material fact in dispute and all issues to be decided are matters of law.

Having considered the motion, response and supporting affidavits, the Court finds for the reasons stated herein, that Plaintiff's motion to exempt this case from local rule 39.1 is **DENIED**.

I.

Local Civil Rule 39.1 authorizes the Court to designate any civil case for mediation and to schedule the required steps so as to maximize the prospects of early settlement. LR 39.1(c). Contrary to Plaintiff's belief there are disputed facts at issue. The parties are encouraged to explore the possibility of early settlement.

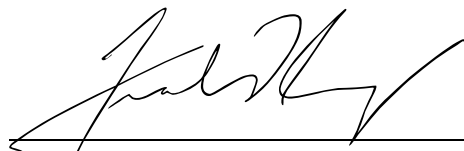
1 Plaintiff contends that he has checked the on-line list of mediators and have found none in
2 his geographic location and recommends an attorney located in Washougal, WA. The Defendants
3 are not in accord with Plaintiff's alternative request to select a mediator who does not appear on the
4 list of register. Accordingly, this request is also **DENIED**.

5 ACCORDINGLY,

6 IT IS ORDERED:

- 7 (1) Plaintiff's request for exemption of LR 39.1 (dkt. #94) is DENIED;
8 (2) Plaintiff's request to choose a mediator not listed in the register is DENIED.

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10 DATED this 12th day of July, 2005

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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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26 ORDER - 3